

Exhibit A

Catholic Charities Notice of Certified Complaint May 3, 2023



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF CIVIL RIGHTS
GRAND RAPIDS

JOHN E. JOHNSON, JR
EXECUTIVE DIRECTOR

May 3, 2023

NOTICE OF CERTIFIED COMPLAINT

Catholic Charities of Shiawassee & Genesee Counties
901 Chippewa Street
Flint, MI 48503

RE: MDCR Case#: 633437

Melanie L. Gardner v Catholic Charities of Shiawassee & Genesee Counties

Dear Catholic Charities of Shiawassee & Genesee Counties:

Enclosed is a copy of a certified complaint of discrimination. Please submit the information requested in the Order Attachment by the date indicated on the Order.

You may also propose a resolution to this matter any time. A description of options is included which may assist you.

Please direct all correspondence or/and questions to:

Kathy Smith
Civil Rights Housing Investigator
Phone: 616-356-0033
Fax: 616-356-0399
Email: SmithK122@michigan.gov

Enclosures

IMPORTANT LEGAL INFORMATION:

Civil rights laws prohibit retaliation or discrimination against a person who has filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing. Persons filing complaints are advised to contact the department if retaliation occurs.

You are required by law to preserve all records in your possession and/or under your control that may be relevant to this matter.

Description of Options

RESPONDENT SUBMISSION OF A POSITION STATEMENT:

Respondent may be ordered to provide a detailed position statement with supporting documentation (policies, comparative information, witness statements, etc.) in response to the claimant's allegations of unlawful discrimination. This **may** eliminate the need for the respondent to answer a comprehensive set of interrogatories. The information provided will be reviewed and discussed with the claimant and respondent. If the information is sufficient, the investigator will make a recommended finding on the case. If further information is necessary, the respondent may receive a request for documents and a comprehensive set of interrogatories that must be completed and returned within 28 days.

EFFECTIVE POSITION STATEMENT:

At a minimum, a position statement should include **specific, factual** responses to every allegation of the complaint. The position statement should clearly explain the respondent's version of the facts and identify the specific documents and witnesses supporting the position. A well drafted position statement can help us accelerate the investigation and limit requests for additional information. Keep the following points in mind as you prepare the response to the complaint:

- Address each alleged discriminatory act and your position regarding it and provide copies of documents supporting your position and/or version of the events.
- Provide copies or descriptions of any applicable practices, policies or procedures.
- Identify any other individuals who have been similarly affected by these practices, policies or procedures; describe the circumstances in which the practices, policies or procedures have been applied.
- Explain why individuals who were in a similar situation to the claimant were not similarly affected.
- Identify official(s) who made decisions or acted relating to the matter(s) raised in the complaint.
- Provide copies of internal investigations of the alleged incidents or grievance hearing reports.

PROPOSED RESOLUTION:

If you believe this matter may be resolved through voluntary action prior to investigation, you are encouraged to make a settlement offer at this time. If either party makes an offer of resolution, the investigator assigned to the case will contact the other party and communicate the offer. The investigator may also conduct brief "settlement negotiations" between the parties when it appears a mutually acceptable agreement may be reached. An offer of resolution will NOT be construed as an admission of guilt or a finding of unlawful discrimination or otherwise used against either party. Either party may end settlement discussions at any time, after which the case will proceed to investigation.

NOTE: *None of these options requires that a party be represented by an attorney, but either party may be represented by an attorney if they so choose. If you choose to be represented by an attorney, he or she must send a letter of appearance to the department.*

Acknowledgement of MDCR Complaint Process

You are receiving this notice because you are a party (Claimant: the individual who filed the complaint of discrimination; or Respondent: the individual or entity the complaint of discrimination is filed against) to an open complaint investigation with the Michigan Department of Civil Rights (MDCR). Below are some facts that may be helpful to you:

- MDCR is a law enforcement agency that enforces civil rights laws.
- The investigation process takes time. MDCR asks you to be patient so we can conduct a fair and thorough investigation.
- MDCR does **not** advocate for, represent, or provide legal advice to either party throughout the investigative process. It is the responsibility of the parties to retain an attorney if you so choose.
- MDCR encourages resolution between the parties which will resolve the matter when both parties are willing to do so. Resolution and/or settlement may occur at any time throughout the investigative process.
- Once a “certified complaint” is filed with our department it is docketed. Docketing of a complaint means it is processed by staff and each party will be provided a copy of the certified complaint. In addition, the Respondent may be asked to answer the complaint through a position statement, answering interrogatories, and/or provide additional evidence.
- Once information is received from the Respondent, the investigator will review the information and determine how to proceed with the investigation. At that time, the investigator will contact the Claimant.
- Throughout the investigative process, the investigator may ask for additional evidence, which may include interviews, documents, videos, audio, etc.
- Once an investigation is complete an investigative report is drafted, and a finding is made. Findings may include any of the following:
 - **Dismissal:** A complaint will be dismissed when there is insufficient evidence to support a finding of unlawful discrimination. Claimants have a right to make a reconsideration request if they are dissatisfied with the finding.
 - **Conciliation:** A complaint may be referred to a staff attorney when there is sufficient evidence of unlawful discrimination. A conciliation conference will be held between the staff attorney and Respondent to discuss the findings of the investigation and encourage resolution.
 - **Charge:** A formal charge may be issued where there is sufficient evidence of unlawful discrimination, and the Respondent does not cooperate in resolving the matter.
 - **Rule 12 Hearing:** When a formal charge has been filed and the case progresses in front of an Administrative Law Judge (ALJ). The ALJ will hear the complaint and submit recommendations to the Michigan Civil Rights Commission for a final determination and order.
- Please note that MDCR has a Zero Tolerance Policy against any type of derogatory, abusive, threatening, harassing, bullying behavior towards staff. This type of behavior is not tolerated, and action may be taken to prevent these types of incidents from occurring.

I acknowledge that I have read, understand, and will abide by the contents of this document.

Signature:

Date:

Authority: Acts 453 and 229, P.A. of 1976, as amended.
 Completion: Required
 Penalty: Allegations of unlawful discrimination cannot be investigated without a sworn complaint.

STATE OF MICHIGAN
 DEPARTMENT OF CIVIL RIGHTS

MDCR # 633437

FED #

COMPLAINT

CLAIMANT Melanie L. Gardner	RESPONDENT Catholic Charities of Shiawassee & Genesee Counties
ADDRESS 7423 Southwick Drive Davison, MI 48423	ADDRESS 901 Chippewa Street Flint, MI 48503
TELEPHONE 810-394-9365	TELEPHONE 810-232-9950
Area of Discrimination: Housing	Date of Discrimination: March 15, 2023

Statement of Alleged Discrimination:

I am a mother of a minor child who identifies as transgender and I believe we were treated differently by Respondent on March 15, 2023, because of his sex.

I was on the section 8 waiting list at Catholic Charities of Shiawassee & Genesee Counties located at 901 Chippewa Street, Flint MI 48503.

Other terms & conditions 3/15/2023 Sex

I was up for recertification for the section 8 waiting list through Respondent's organization. When I made Respondent aware that my son was transgender, they refused my recertification. Respondent asked me if my son was male to female or female to male and insinuated that I was sexually abusing him. I believe we were treated differently due to my son's gender identity.

This complaint is based on the following Law:

Elliott-Larsen Civil Rights Act No 453, Public Act of 1976, as amended

Title VIII, US Fair Housing Civil Rights Act of 1968, as amended

This complaint is filed in good faith and not for the purpose of harassment.

I swear or affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief. I have notified the department of all other civil or criminal actions pending with regard to the allegations in this complaint.

Melanie L. Gardner

SIGNATURE OF CHARGING PARTY/CLAIMANT

Complaint taken by: Kathy Smith

Subscribed and sworn to before me

This 13th day of April, 2023
 at Davison, Michigan.

My Commission expires (dd/mm/yyyy)

10/24/2026
Jody R. Stone

SIGNATURE OF NOTARY

Commissioned in Genesee County.

JODY R. STONE

Notary Public, State of Michigan, County of Genesee

My Commission Expires October 24, 2026

Acting in the County of Genesee

**STATE OF MICHIGAN
DEPARTMENT OF CIVIL RIGHTS**
350 Ottawa, N.W., 4th Floor, Grand Rapids, MI 49503
Tele: 616-356-0380

ORDER

MDCR #: 633437
Claimant: Melanie L. Gardner
Respondent: Catholic Charities of Shiawassee & Genesee Counties

To: Catholic Charities of Shiawassee & Genesee Counties
901 Chippewa Street
Flint, MI 48503

**IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN
YOU ARE ORDERED TO:**

- ☒ Preserve all information and evidence in this matter, including but not limited to the following:
Documents; videos; audio recordings; oral and written statements; voice mail; photographs; and
electronic data, communication and media.
- ☐ Appear personally to testify before the Michigan Department of Civil Rights on the date, time and place
listed below.
- ☒ Produce the following items, in person or by the mail, on or before the date, time and place listed below

See order attachment

PLACE	Grand Rapids Office 350 Ottawa, N.W., 4th Floor Grand Rapids MI 49503	
DATE	May 17, 2023	
TIME	5:00 PM	Attn: Kathy Smith

Failure to comply with this order may subject you to enforcement proceedings in the Circuit Court of the State
of Michigan



Issued By Gwendolyn Moffitt/KL

Date May 3, 2023

PROOF OF SERVICE

SERVICE BY MAIL

I, Kimberlyn Lucas, swear or affirm that I am a legally competent adult and that I served a copy of this order, together with any required fees for attendance and mileage, upon the following person or entity:

Name and complete address of service:

Catholic Charities of Shiawassee & Genesee Counties
901 Chippewa Street
Flint, MI 48503

Service was made by mail addressed to the person at their last known address

Kimberlyn Lucas
Signature of Server

May 3, 2023 via Email and USPS
Date

Administrative Support Specialist
Title

PERSONAL SERVICE

I, _____, swear or affirm that I am a legally competent adult and that I served a copy of this order, together with any required fees for attendance and mileage, upon the following person or entity:

Name and address of service:

Day, date and time of service:

Catholic Charities of Shiawassee & Genesee Counties
901 Chippewa Street
Flint, MI 48503

Personal service was made to the person at their last known address

Signature of Server

Date

Title

**STATE OF MICHIGAN
DEPARTMENT OF CIVIL RIGHTS**
350 Ottawa, N.W., 4th Floor, Grand Rapids, MI, 49503
Tele: 616-356-0380

MDCR #: 633437
Claimant: Melanie L. Gardner
Respondent: Catholic Charities of Shiawassee & Genesee Counties

ORDER ATTACHMENT

YOU ARE ORDERED TO:

Produce the following items, in person or by mail, on or before the date, time and place listed on the Order:

1. Please provide the name, title, address, and telephone number(s) of the agent(s) that are authorized to represent the respondent in this matter.
2. Identify the names, addresses, title, and telephone number(s), of any management personnel involved.
3. Provide a copy of any policy and/or procedures that apply to the allegations that are made by the claimant in this complaint.
4. Provide a copy of the respondent's anti-discrimination policy.
5. State whether the respondent receives any type of federal funding, and if so, state the type of federal funding respondent receives.
6. Please describe the property involved including how many units (i.e. single-family residence, apartment complex, mobile home park, condominium association, etc.).
7. Provide a list of all employees and state whether each employee has attended fair housing training, the date of the training, the nature of the training, who provided the training along with the employee's job title.
8. Please also state who provided the training, provide a copy of the agenda or training topics covered, and copies of any training certificates received after the training was completed.
9. Please provide a copy of all documents provided by the claimant to the respondent in regard to the subject property.
10. Provide a list of all other properties owned and or managed by the respondent named in this complaint to include: the full name if applicable and address of the properties.
11. If a list was provided in question 10, state who currently is residing in each unit by name(s), address, and phone number(s), race, if known, and the terms of each lease agreement.

12. Provide a response to the allegations in this complaint.